

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/7/2019

BOARD MEMBERS PRESENT: Carla A. Steen - Chair
Justin Kobbe Solace
Marcia C. Garey
Riki Nagle-Ker

BOARD MEMBERS ABSENT: Mary Jo White. D.C.

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Rob McQuade, Legal Counsel
Candace Villarreal, Technical Records Specialist

The meeting was called to order at 8:30 AM MST by Carla A. Steen.

INTRODUCTIONS

Ms. Eavenson introduced Ms. Kelley Packer, the new bureau chief.

Ms. Packer introduced Rob McQuade, legal counsel, who will be working with Mr. Ellsworth and monitoring the legislative session for the Bureau.

Ms. Packer introduced and welcomed new Board Member Justin Kobbe Solace.

APPROVAL OF MINUTES

Ms. Garey made a motion to approve the minutes of 11/19/2018. It was seconded by Ms. Nagle-Ker. Motion carried.

LEGISLATIVE REPORT

Ms. Eavenson said that the Bureau completed legislative outreach meetings similar to the meetings held last year with Board members and legislators. Meetings were held in Sun Valley, Idaho Falls, Twin Falls, Pocatello, Moscow, and most recently in Coeur d'Alene on Wednesday, December 12, 2018.

Ms. Steen said that she attended the legislative outreach meeting for her district and that the meeting included the opportunity for the legislators to interact with Board members, discuss budgets, disciplinary actions and board processes.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Eavenson discussed her role as the representative of the Executive Branch to the National Conference of State Legislatures (NCSL) Occupational Licensing Learning Consortium, held in Florida, November 27-30. Senator Todd Lakey, Senator Lori Den Hartog, and Representative Gayann DeMordaunt led the Idaho team. Discussion was held regarding licensing and certification laws, nationwide alignment of licensure by endorsement, as well as and military service members and their spouses, many of whom are teachers, and veterans.

Ms. Eavenson stated that Governor Brad Little has convened a working group to review agency Executive Order Reports in greater depth; review specific recommendations from boards, commissions, and agencies; and begin implementing initial recommendations. A link to this report is on the Lt. Governor's website. Members include Mike Brassey, an attorney in private practice; Robert Payne, Idaho Board of Social Work Examiners; Jane McClaran, Idaho Real Estate Appraisers Board; Representative Gayann DeMordaunt; and Senator Todd Lakey.

Ms. Eavenson stated that the Interim Committee's final meeting was held November 26th and that they recommended reauthorization of the committee and some action on endorsement. The Bureau will update Board members as new information becomes available.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$358,201.20 as of 12/31/2018.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Garey made a motion to approve the Bureau's recommendation and authorize closure in case I-MAS-2019-3. It was seconded by Ms. Nagle-Ker. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

MEETING DATES

NEXT MEETING is scheduled for March 11, 2019 at 8:30 AM MDT

ANOTHER MEETING is scheduled for May 06, 2019 at 8:30 AM MDT

ANOTHER MEETING is scheduled for July 15, 2019 at 8:30 AM MDT

PROVISIONAL LICENSE SUPERVISORS

The Board discussed allowing applicants to request an additional supervisor on the provisional permit supervisor affidavit. The purpose would be to provide provisional permit holders the flexibility to work additional hours in the event their primary supervisor is only on site for a limited amount of time or on vacation and to allow permit holders the ability to work in multiple establishments while provisionally licensed. Ms. Nagle-Ker made a motion to allow applicants to declare up to two supervisors, a primary and a secondary, and to require a separate form for each supervisor declared. She also stated in the motion to add a check box on the provisional permit supervisor affidavit for applicants to designate if the supervisor on the form will be their primary or secondary supervisor and that one fee will be charged for up to two affidavits. It was seconded by Ms. Garey. Motion carried.

MBLEX EXAM VERIFICATION

The Board discussed a request from a grandfathered licensee to have a letter sent to the Federation for State Massage Therapy Boards (FSMTB) to approve the licensee to take the MBLEx exam. It was further discussed that grandfathered licensees should provide the same information as any applicant is required to provide in order to take the exam; that a licensee may submit a verification of licensure form and have the verification sent directly from this office to the FSMTB; and that any licensee may submit a public records request to retrieve application information from their file and request the information be provided to the FSMTB. Following discussion, Ms. Nagle-Ker made a motion that letters will not be sent to approve the MBLEx exam for grandfathered licensees. It was seconded by Ms. Garey. Motion carried.

CONTINUING EDUCATION HARDSHIP WAIVERS

The Board discussed the CEU Hardship waiver procedures. Following discussion, Ms. Nagle-Ker made a motion that requests for waiver will be sent to the Board Chair in between meetings. It was seconded by Ms. Garey. Motion carried. Ms. Nagle-Ker then made a new motion to withdraw the motion she made. It was seconded by Ms. Garey. Motion carried. Ms. Nagle-Ker made a new motion that requests for waiver will be sent to the Board Chair or Vice-Chair in between meetings and, if the waiver cannot be granted, a conference call will be scheduled for full Board review. If the waiver is granted, the request will be temporary and brought before the Board in the next Board meeting for notification of the granted waiver. It was seconded by Ms. Garey. Motion carried.

CORRESPONDENCE

IDAHO ANTI-TRAFFICKING COALITION TO PRESENT AT MARCH MEETING

The Board reviewed a letter submitted in response to an invitation from the Board to present information at the March Board meeting regarding awareness of Human trafficking. Emerald Douthit, executive assistant for the Idaho Anti-Trafficking Coalition (IATC), stated that its director, Jennifer Zielinski, plans to attend the March 11, 2019 Board meeting. She will present on the IATC mission and its partnerships, including the Governor's Human Trafficking Task Force and ways the IATC and its associated entities are addressing this issue in the massage industry. No action was taken.

KLOSE LYMPHEDEMA CERTIFICATION GERMANE TO THE PRACTICE OF MASSAGE THERAPY

A letter from a licensee asking for a review of a course called Klose Lymphedema Training was reviewed. Discussion was held on sections of the course including wound care, compression bandaging, and exercises for those that are bandaged. It was discussed that licensees must practice within the scope of practice outlined in state licensure laws and rules. Ms. Garey made a motion that hours within this course considered germane to the practice of massage therapy would be accepted by the Board, but that the Board cannot expand scope of practice definitions outlined in state licensure laws and rules. Therefore, some hours from this course would not be accepted for continuing education. It was seconded by Ms. Nagle-Ker. Motion carried.

CUPPING COURSE GERMANE TO THE PRACTICE OF MASSAGE THERAPY

A letter from a licensee asking for a review of a course given through St. Luke's Hospital called ACE Online Cupping Course and Medicupping Therapy was discussed. Discussion included past board directives on cupping and gua sha courses. It was mentioned by Board members that in the past gua sha courses were not considered germane to massage therapy and that cupping courses had to be reviewed for determination by the Board on a case-by-case basis. State licensure laws were consulted, including §54-4003 Exemptions. Ms. Garey made a motion that going forward the Board will accept gua sha and cupping courses that are approved by the National Certification Board for Therapeutic Massage (NCBTMB) or the Associated Bodywork and Massage Professionals (ABMP), and that ACE Online Cupping and Medicupping Therapy, given through St. Luke's is approved. The motion was seconded by Ms. Nagle-Ker. Motion carried. Ms. Garey also moved that all cupping and gua sha courses denied in the past must be resubmitted via course approval application by the provider, and that an Frequently Asked Questions entry will be made on the website stating that as of January 7, 2019, the Idaho Board of Massage Therapy accepts gua sha and cupping courses that are approved by the

National Certification Board for Therapeutic Massage (NCBTMB) or the Associated Bodywork and Massage Professionals (ABMP). It was seconded by Ms. Nagle-Ker. Motion carried.

FEDERATION OF STATE MASSAGE THERAPY BOARDS EXECUTIVE DIRECTORS SUMMIT

The Board discussed the upcoming Federation of State Massage Therapy Boards Executive Directors Summit to be held on April 18 and 19, 2019 in Cleveland, Ohio. Ms. Garey made a motion to send the Board Specialist Candace Villarreal and pay the expenses. It was seconded by Ms. Nagle-Ker. Motion carried.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS

The Board discussed the motion made in the last Board meeting for the Board Specialist to verify with all Board members not in attendance if they would like to attend the Federation of Associations of Regulatory Boards (FARB) meeting in January. No Board members were available to attend. No action was taken.

EXECUTIVE SESSION

Ms. Garey made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Nagle-Ker. The vote was: Mr. Solace, aye; Ms. Nagle-Ker, aye; Ms. Garey, aye; and Ms. Steen, aye. Motion carried.

Ms. Garey made a motion to come out of executive session. It was seconded by Ms. Nagle-Ker. The vote was: Mr. Solace, aye; Ms. Nagle-Ker, aye; Ms. Garey, aye; and Ms. Steen, aye. Motion carried.

EXTENSION REQUEST FOR APPLICANT

The Board reviewed a letter from an applicant requesting extension of an application, submitted in 2016, because the applicant has not scheduled and attempted the MBLEx examination due to employment constraints. Ms. Garey made a motion to direct the Board Specialist to send a reply that a 4th and final request for extension will be granted with the stipulation that a new application be filled out, notarized and sent to this office without fees to be sure the applicants file is up-to-date by no later than March 1, 2019; that at least one exam be scheduled; and that official results are received in this office no later than May 1, 2019. If these requirements are not met, the application will expire on May 2, 2019 and the applicant will be required to re-apply in full. It was seconded by Ms. Nagle-Ker. Motion carried.

APPLICATIONS

Ms. Nagle-Ker made a motion to approve the following for licensure:

Allred, Magie	MASA-3684
Bodenheimer, Michelle	MASA-3688
Croyle, Abigail	MASA-3691
Curtseit, Surengan	MASA-3678
Dresback, Rebekah	MASA-3685
Knewbow, Krystal	MASA-3690
Marin, Myra	MASA-3692
McLaughlin, Angel	MASA-3689
Miller, Clarissa	MASA-3695
Shumway, Skyla	MASA-3683
Tamburello, Michael	MASA-3680
Tanner, Carsen	MASA-3687
Weaver, Karina	MASA-3686
Schneidermann, Ashleigh	MASA-3693
Shirling, Marissa	MASA-3696
Smollack, Erika	MASA-3697
Haselbach, Jennifer	MASA-3698
Hoard, Cole	MASA-3699
Enochson, Lisa	MASA-3701

It was seconded by Mr. Solace. Motion carried.

Ms. Nagle-Ker made a motion to approve the following for licensure:

Murray, Maieli	MASA-3694
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It was seconded by Mr. Solace. Motion carried. Ms. Steen recused herself from voting and discussion.

Mr. Solace made a motion to approve the following pending receipt of additional information:

901-163-310
901-163-148
901-163-250
901-163-987

It was seconded by Ms. Garey. Motion carried.

Mr. Solace made a motion to approve the following pending receipt of additional information:

901-163-233
901-163-996

It was seconded by Ms. Garey. Motion carried. Ms. Steen recused herself from voting and discussion.

RESIGNATION OF BOARD MEMBER

Ms. Garey announced her resignation from the Board effective January 8, 2018 and that this will be her last Board meeting.

ADJOURNMENT

Ms. Garey made a motion to adjourn the meeting at **11:42 AM MST.** It was seconded by Ms. Nagle-Ker. Motion carried.

Carla A. Steen, Chair

Justin Kobbe Solace

Mary Jo White, D.C.

Marcia C Garey

Riki Nagle-Ker

Kelley Packer, Bureau Chief